

## **REMARKS**

Claims 1, 3, 4, 5, 9, 11, 16, 18, 19, 31, 33, 34, 46, 48, 49, 50, 54, 55, and 60 are currently pending in the application. Claims 46, 48, 49, and 60 have been amended by changing “code” to “code to be executed by a processor.” (Claim 46, lines 3, 5, 15, and 18; Claim 48, line 2; Claim 49, line 2; and Claim 60, line 2) Support for such amendment may be found in the Specification at page 7, lines 14-18. The amendment addresses only formal matters and does not raise any new issues. As the amendments should eliminate the rejection under 35 U.S.C. 101 and should place the case in *prima facie* condition for allowance or in better condition for an appeal, entry of the amendment is appropriate at this time.

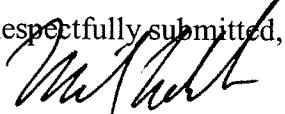
Claims 46, 48, 49, 50, 54, 55, and 60 stand rejected under 35 U.S.C. § 101 as directed towards nonstatutory subject matter on the basis that “a computer (or software program) code [sic] cannot by itself perform the underlying function until it is loaded on some computer readable memory and accessed by the computer (or a processor).” (Office Action at 2) Applicants traverse. Notwithstanding the Applicants’ traversal, however, the issue has been fully addressed in this response by changing “code” to “code to be executed by a processor” in Claim 46 (from which Claims 48, 49, 50, 54, 55, and 60 depend), as well as in Claims 48, 49, and 60, as discussed in the preceding paragraph.

In addition, Claims 1, 3, 4, 5, 9, 11, 16, 18, 19, 31, 33, 34, 46, 48, 49, 50, 54, 55, and 60 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 4,677,552 to Sibley (newly cited). Applicants traverse.

Claims 1, 3, 4, 5, 9, 11, 16, 18, 19, 31, 33, 34, 46, 48, 49, 50, 54, 55, and 60 relate to the fulfillment of requests for supplies or services by checking across multiple markets in which such supplies or services may be available. Sibley, by contrast, involves trading across various commodities exchange systems internationally. Unlike markets in which “a product or a service” (Claim 1, line 3; Claim 16, line 3; Claim 31, line 6; and Claim 46, lines 3-4) is made available for sale to a potential buyer, trading on commodities exchanges involves the trading of financial instruments which, though nominally backed by particular commodities, are bought and sold as hedges with actual

delivery of goods taking place only in a minority of cases. *See, e.g., Board of Trade of the City of Chicago v. Christie Grain & Stock Co.*, 198 U.S. 236, 246-47 (1905). Thus, an invention relating to trading on commodities exchanges does not suggest Claims 1, 3, 4, 5, 9, 11, 16, 18, 19, 31, 33, 34, 46, 48, 49, 50, 54, 55, and 60, which relate to the acquisition of actual products and services.

In view of the above, Claims 1, 3, 4, 5, 9, 11, 16, 18, 19, 31, 33, 34, 46, 48, 49, 50, 54, 55, and 60 should now be in condition for allowance. Reconsideration and allowance at an early date is requested. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Applicants' Deposit Account No. 50-0510 (IBM Corporation).

Respectfully submitted,  


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